24 March 1976

Dear Harold:

This responds, as much as I can, to your mailing of March 20. Thanks for your offer of the material you got from Schweiker. We'll pass, thanks. Trying to cut down on vulume as much as possible, and I can foresee no real probability of using all this mass of material. We appreciate the offer, believe me.

I'm truly sorry that I have no experience which could lend anything toward a solution for your plagiarism problem. Since the news is copyrighted in effect for only 24 hours or so, the problem rarely arises in the area of daily news. Most papers would rather miss the story entirely than give credit where credit is due if less than 24 hours is involved. Depends on what papers are involved, of course. Situations vary a great deal, so it's hard to generalize. But unacknowledged plagiarism is very common, I think.

The impression gained from reading what you've been saying about the Playboy case is that they may have got away with something of the sort before and are trusting their wealth and general clout to carry them through. They also may understand very clearly your reluctance to sue and the fact that it's based partly on the element of danger you have warned them of.

The fact that their lawyers claim there is no such thing as plagiarism seems to me to be basically a statement that it's so common and hard to prove in court that vigorous prosecution for plagiarism is relatively rare. Substantial awards for plagiarism may be equally rare. In other words, they may be speaking from their experience..

I realize that by the time you get this you will already have had to make up your mind, and can say only that it's a decision I wouldn't want to make without good legal advice.

How definitive an agreement did you have with Playboy -- in other words, could you charge breach of contract in addition to plagiarism ? I feel sure Lesar would have good ideas on such possibilities, and that you have been working closely with him as this thing has developed.

Yes, I agree with you on your opinion about the plane crashes which killed Hammarskjold and the planeload of Chinese delegates to the Bandung conference. Never had any doubt about them at the time, although I couldn't prove a thing and may not even have any files on them. If I do they are buried so deep that I wouldn't know where to start looking at this late date. By the way, there was a planeload of correspondents which also crashed en route to Bandung, I think it was. I remember clearly because a couple I knew were on it and lost their lives. Lynn Mahan, a classmate who was a PIO, and Vince Mahoney of the SF Chronicle. That crash also looked pretty fortuitous as I recall it.

One more small string to tie around your and Lil's finger. We're interested in anything about Alexander Butterfield, as we still believe he disclosed the tapes according to instructions. Last we heard of him he was beginning his own business as an airline industry consultant. If you happen to sight his name anywhere we'd be glad to know about it.

Thanks and best from us both, jdw